IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 4070 of 2006()

STC.1048/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR

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PETITIONER: 2ND ACCUSED

THE MANAGING DIRECTOR,
TRAVANCORE SUGARS & CHEMICALS LTD.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ANTONY DOMINIC
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE, THALIPARAMBA.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4070 of 2006

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Dated this the 9th day of January, 2007

O R D E R

The petitioner is the accused in a prosecution under Section 56 (a) of the Kerala Abkari Act, pending before the J.F.C.M., Payyannur.

2. The crux of the allegation against the petitioner, Managing Director of a Government Company, is that 20,000 litres of alcohol was being transported from Hyderabad to Thiruvalla to the petitioner in a vehicle. The vehicle was escorted by an Excise official also. When the offence was detected, the person accompanying the vehicle was found not to have in his possession the relevant documents. He took up the stand that the relevant documents were lost. He had lodged a complaint also. Not accepting that explanation, the final report was filed by the Investigating Officer.

2. But subsequently proceedings were initiated against the petitioner and by Annex.F order, which was later confirmed by orders dt. 3.11.06 and 18.11.2006, the said explanation has been accepted by the superior officials of the Excise Department. The petitioner, in

these circumstances, prays that proceedings initiated against him before the criminal court may now be quashed invoking the powers under Section 482 Cr.P.C.

3. The respondent has filed a statement now, in which it is categorically admitted that the prosecution has lost its meaning and relevance now in the light of the acceptance of the explanation offered by the Guard, who accompanied the vehicle. In the statement filed by the Circle Inspector of Excise/2nd respondent, it is confirmed that there is no worthwhile material now to sustain the allegations against the petitioner/accused. It is agreed and prayed by the respondent also that the Crl.M.C. can be allowed and the prosecution quashed. In as much as the complainant himself accepts the explanation offered by the petitioner, I find no relevance or significance in the continuation of this prosecution. The prayer in the Crl.M.C. can, in these circumstances, be allowed as agreed.

4. This Crl.M.C. is allowed. S.T.1048 of 2006, pending before the J.F.C.M. Court, Payyannur against the petitioner is hereby quashed.

(R. BASANT)
Judge

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